

Response Under 37 C.F.R. § 1.111
U.S. Appln. No. 10/743,441

REMARKS

Claims 1-5 are pending.

In Paragraph No. 3 of the Action, claims 1 and 3-5 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Endo et al (US 2003/0165775 A1).

Applicants submit that this rejection should be withdrawn because Endo et al '775 is not prior art with respect to the present claims.

Endo et al '775 is prior art under § 102(e) as of its U.S. filing date of July 5, 2002. It is also prior art under § 102(a) as of its publication date of September 4, 2003.

To remove Endo et al '775 as prior art under § 102(a), Applicants rely on the sworn English translations of their priority documents, which were submitted on July 5, 2005. Applicants' priority dates of December 27, 2002 and January 29, 2003 are both earlier in time than Endo et al '775's publication date of September 4, 2003. Section 112 support for the recitations of the present claims in the priority documents was pointed out in the Amendment filed July 5, 2005.

Thus, Endo et al '775 is prior art only under § 102(e). To remove Endo et al '775 as prior art for purposes of § 103, Applicants provide a statement of common ownership, as follows:

Statement of Common Ownership:

The present application and Endo et al US 2003/0165775 A1 were, at the time the invention of the present application was made, commonly owned by Fuji Photo Film Co., Ltd.

In view of this statement of common ownership, Endo et al '775 is disqualified as prior art for purposes of section 103 with respect to the present application. See 35 U.S.C. § 103(c).

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Accordingly, the Examiner is respectfully requested to withdraw the section 103 rejection of claims 1 and 3-5 based on Endo et al '775.

In Paragraph No. 4 of the Action, claim 2 is objected to as being dependent upon a rejected base claim. The Examiner indicates that claim 2 would be allowable if rewritten in independent form. The Examiner notes that Endo et al does not teach or suggest the present copolymer including a monomer unit represented by formula (A').

Since Applicants have removed Endo et al '775 as § 103 prior art by making a statement of common ownership, the objection to claim 2 should be overcome.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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